

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA, CRIMINAL NO. 18-mj-30632

Plaintiff,

v.

DEVIN JAMAL WALKER,

Defendant.

**STIPULATION TO ADJOURN PRELIMINARY EXAM AND
COMPLAINT AND TO FIND EXCLUDABLE DELAY**

The United States of America and Defendant agree that there is good cause to extend the Complaint, and to adjourn the Preliminary Exam in this case from 1:00 p.m. on December 28, 2018 to February 26, 2019 at 1:00 p.m. *See* Fed. R. Crim. P. 5.1(d). This extension of time is necessary to allow the parties to investigate the facts of this case further and engage in plea negotiations. Defendant concurs in this request and agrees that it is in his best interest. The parties further stipulate and agree that the complaint from December 10, 2018 will remain in full force and effect through the new date of February 26, 2019. The parties stipulate and agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.

The parties also stipulate and agree that they have been, and continue to be, engaged in ongoing plea negotiations, from December 11, 2018, up to and through the new date of the preliminary examination, February 26, 2019. And the period of

delay between December 28, 2018 and February 26, 2019, should be excluded in calculating the time within which the defendant shall be indicted under the Speedy Trial Act.

The parties agree that the case is complex with voluminous forensic and other discovery and that the delay is necessary for the defense to adequately prepare and to engage in negotiations. Additionally, the parties agree that the adjournment/scheduling of the preliminary examination to February 26, 2019 would serve the ends of justice, and that the failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A), and the parties request an order to that end.

s/ April N. Russo

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December 21, 2019

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EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

CRIMINAL NO. 18-mj-30632

Plaintiff,

v.

DEVIN JAMAL WALKER,

Defendant.

**ORDER ADJOURNING PRELIMINARY
EXAMINATION AND COMPLAINT**

This matter coming before the court on the stipulation of the parties, it is hereby

ORDERED that good cause exists to extend the complaint and adjourn Preliminary Examination from December 28, 2018 to February 26, 2019 in this case. *See* Fed. R. Crim. P. 5.1(d).

ORDERED that the complaint and the detention order remain in full force and effect.

ORDERED that the period from December 28, 2018 through February 26, 2019, shall be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the parties are engaged in plea negotiations and because the ends of justice served by such continuance outweigh the interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7). The Court finds that the delay is necessary for the defense to adequately prepare because of the complex nature of this case and the voluminous forensic and other discovery and also for the defense to effectively engage in negotiations with the Government.

IT IS SO ORDERED.

s/David R. Grand
David Grand
United States Magistrate Judge

Entered: 12/28/18